

[CHAPTER 9—REPEALED]**[§§ 211 to 216. Repealed. Pub. L. 97-164, title I, § 106, Apr. 2, 1982, 96 Stat. 28]**

Section 211, acts June 25, 1948, ch. 646, 62 Stat. 899; Aug. 25, 1958, Pub. L. 85-755, § 1, 72 Stat. 848, provided for creation of United States Court of Customs and Patent Appeals under article III of the United States Constitution and for appointment of a chief judge and four associate judges for that court.

Section 212, act June 25, 1948, ch. 646, 62 Stat. 899, provided for order of precedence of chief judge and associate judges of court.

Section 213, acts June 25, 1948, ch. 646, 62 Stat. 899; Mar. 2, 1955, ch. 9, § 1(e), 69 Stat. 10; Aug. 14, 1964, Pub. L. 88-426, title IV, § 403(e), 78 Stat. 434; Aug. 9, 1975, Pub. L. 94-82, title II, § 205(b)(5), 89 Stat. 422, provided for tenure and salaries of judges.

Section 214, act June 25, 1948, ch. 646, 62 Stat. 899, authorized court to hold court at such times and places as it might fix by rule.

Section 215, act June 25, 1948, ch. 646, 62 Stat. 899, provided that three judges of court constituted a quorum and that concurrence of three judges was necessary to any decision.

Section 216, act June 25, 1948, ch. 646, 62 Stat. 899, provided for filing of written opinions by Court of Customs and Patent Appeals on appeals from decisions of Patent Office and recording of those opinions in Patent Office.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

TRANSFER OF MATTERS AND PETITIONS PENDING IN UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS ON OCTOBER 1, 1982

For provisions that any matter pending before the United States Court of Customs and Patent Appeals on Oct. 1, 1982, and that any petition for rehearing, reconsideration, alteration, modification, or other change in any decision of the United States Court of Customs and Patent Appeals rendered prior to Oct. 1, 1982, that has not been determined on that date or that is filed after that date, be determined by the United States Court of Appeals for the Federal Circuit, see section 403(b), (c) of Pub. L. 97-164, formerly set out as a note under section 171 of this title.

CHAPTER 11—COURT OF INTERNATIONAL TRADE

Sec.	
251.	Appointment and number of judges; offices.
252.	Tenure and salaries of judges.
253.	Duties of chief judge.
254.	Single-judge trials.
255.	Three-judge trials.
256.	Trials at ports other than New York.
257.	Publication of decisions.
258.	Chief judges; precedence of judges.

HISTORICAL AND REVISION NOTES

The “Board of General Appraisers” was designated “United States Customs Court” by act May 28, 1926, ch. 411, § 1, 44 Stat. 669. General provisions concerning such court were incorporated in section 1518 of title 19, U.S.C., 1940 ed., Customs Duties, until amended by act October 10, 1940, ch. 843, § 1, 54 Stat. 1101, adding a new section to the Judicial Code of 1911, when they were transferred to section 296 of title 28, U.S.C., 1940 ed. They are retained in title 28 by this revision.

In this connection former Congressman Walter Chandler said, “Among the major subjects needing study and revision are special courts, such as the Customs Court, which should be fitted into the judicial system.” (See U.S. Law Weekly, Nov. 7, 1939.)

HISTORY OF COURT

The United States Customs Court [now Court of International Trade] as “constituted on June 17, 1930”, consisted of nine members as provided by act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972, which established the Board of General Appraisers, designated the “United States Customs Court” by act May 28, 1926, ch. 411, § 1, 44 Stat. 669.

Provisions similar to these were contained in act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972. That section was superseded by section 518 of the Tariff Act of 1930, and was repealed by section 651 (a)(1) of said 1930 act.

The sentence in the former first paragraph as to sitting in a case previously participated in, is from act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 98, which combined and amended Customs Administrative Act June 10, 1890, ch. 407, § 12, 26 Stat. 136, and section 31, as added by act May 27, 1908, ch. 205, 35 Stat. 406. Section 12 of the act of 1890 was expressly saved from repeal by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989, and prior acts, but its provisions, other than the sentence above mentioned, were omitted from the Code.

Provisions for the review of decisions of Boards of General Appraisers by the Circuit Courts, made by section 15 of the Customs Administrative Act of June 10, 1890, ch. 407, were superseded by provisions for such review by the Court of Customs Appeals created by section 29 added to that act by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6. The provisions of said new section 29 were incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, incorporated into the Code as former chapter 8 of Title 28, Judicial Code and Judiciary.

R.S. § 2608 provided for the appointment of four appraisers of merchandise, to be employed in visiting ports of entry under the direction of the Secretary of the Treasury, and to assist in the appraisement of merchandise as might be deemed necessary by the Secretary to protect and insure uniformity in the collection of the revenue from customs. It was repealed by act June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2609 provided for the appointment of merchant appraisers. R.S. § 2610 made every merchant refusing to serve as such appraiser liable to a penalty. Both sections were superseded by the provisions relating to appraisers and appraisements of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, and subsequent acts, and were repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2945, which contained a provision similar to that of R.S. § 2610, was repealed, without mention of section 2610, by said Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, and was again repealed by section 642 of act Sept. 21, 1922.

R.S. § 2725, which prescribed the compensation of merchant appraisers, and section 2726, which prescribed the salary of the general appraiser at New York, were superseded by the provisions relating to general appraisers and appraisers made by the Customs Administrative Act of June 10, 1890, ch. 407, §§ 12, 13, 26 Stat. 136, as amended by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28.

R.S. § 2727 fixed the salary of the four general appraisers at the sum of \$2,500 a year each, and their actual traveling expenses. It was repealed by act Feb. 27, 1877, ch. 69, 19 Stat. 246.

AMENDMENTS

1996—Pub. L. 104-317, title V, § 501(b)(3), Oct. 19, 1996, 110 Stat. 3856, substituted “Duties of chief judge” for “Duties of chief judge; precedence of judges” in item 253 and added item 258.

1980—Pub. L. 96-417, title V, § 501(2), Oct. 10, 1980, 94 Stat. 1742, substituted “COURT OF INTERNATIONAL TRADE” for “CUSTOMS COURT” in chapter heading.

1970—Pub. L. 91-271, title I, § 123(a), June 2, 1970, 84 Stat. 282, substituted “Single-judge trial” for “Divisions; powers and assignments” in item 254 and “Three-